

**DRAFT**

**Compatibility Determination**

Rocky Mountain Arsenal National Wildlife Refuge  
Commerce City, Colorado

For

Reuse of the Rocky Mountain Arsenal Laboratory

Prepared by: Dean Rundle, Refuge Manager

Rocky Mountain Arsenal National Wildlife Refuge  
March, 2006

**DRAFT**

## **Compatibility Determination**

**Use:** Reuse of the Rocky Mountain Arsenal analytical chemistry laboratory (Bldg. 130) by the Colorado Division of Wildlife.

**Refuge Name:** Rocky Mountain Arsenal National Wildlife Refuge (RMA NWR)

## **Establishing and Acquisition Authority:**

Rocky Mountain Arsenal National Wildlife Refuge Act of 1992, Public Law 103-402, October 9, 1992

## **Refuge Purposes:**

1. To conserve and enhance populations of fish, wildlife, and plants within the Refuge, including populations of waterfowl, raptors, passerines, and marsh and water birds.
2. To conserve species listed as threatened or endangered under the Endangered Species Act and species that are candidates for such listing.
3. To provide maximum fish and wildlife oriented public uses at levels compatible with the conservation and enhancement of wildlife and wildlife habitat.
4. To provide opportunities for compatible scientific research.
5. To provide opportunities for compatible environmental and land use education.
6. To conserve and enhance the land and water of the Refuge in a manner that will conserve and enhance the natural diversity of fish, wildlife, plants, and their habitats.
7. To protect and enhance the quality of aquatic habitat within the Refuge.
8. To fulfill international treaty obligations of the United States with respect to fish and wildlife and their habitats.

## **National Wildlife Refuge System Mission:**

The mission of the National Wildlife Refuge System (NWRS) is "...to administer a national network of lands and water for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans." (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C. 668dd-668ee]).

## **Description of Use:**

In 1992, the U.S. Army and Shell Oil Company constructed a state-of-the-art analytical chemistry laboratory (Building 130) at RMA to support the environmental cleanup (response actions) of the Arsenal, and that building, along with its contents, valued at approximately 15 million dollars, is the property of the United States. Following completion of response actions, RMA will become a National Wildlife Refuge pursuant to the "Rocky Mountain Arsenal National Wildlife Refuge Act of 1992" (P.L. 102-402) (Refuge Act). The Refuge Act directs the Secretary of the Army to transfer, without cost, the real property comprising RMA, including such improvements as may be requested for refuge purposes, except as specifically identified by the Refuge Act for retention by

the Army, to the Secretary of the Interior. The Refuge Act defines the purposes of the refuge, and those purposes include conservation of threatened and endangered species, and compatible scientific research.

The Army will have no further need for the RMA Laboratory following the completion of response actions at the Arsenal, and the Service has identified no need to retain this facility to meet the needs of the Service. The Colorado Division of Wildlife (CDOW) conducts fish wildlife research, including research to aid in the conservation of threatened and endangered species, and is in need of laboratory space to conduct research related to fish health, including health of threatened and endangered fish, and laboratory space and facilities for water quality testing and monitoring for management of aquatic habitats in the State of Colorado, including RMA.

It is proposed that following use of the RMA Lab, by Army, in support of response actions, that the real and personal property comprising the RMA Lab be transferred to the Service, and subsequently provided by the Service, through a lease or Cooperative Agreement, to CDOW, to be used as a research laboratory. This compatibility determination covers retention of the facility on the landscape and reuse by CDOW as a fish health and water quality laboratory.

Bldg. 130 is an approximately 17,000 sq. ft., single-story building located in the developed administrative cantonment area of RMA. The building is surrounded by parking lots and paved roads, and does not currently serve any significant wildlife habitat purposes.

#### **Availability of Resources:**

Reuse of the RMA Lab by CDOW will require some modest remodeling of the structure and its sewer system. It is anticipated that all costs associated with any remodeling, and all costs associated with the operations to the CDOW laboratories, including utilities, building and equipment maintenance, staffing, equipment replacement and supplies, will be the responsibility of CDOW.

There will be costs associated with negotiation, implementation and management of legally binding documents such as operating agreements, leases, cooperative agreements, and property management documents that will need to be prepared to facilitate reuse of the RMA Lab by CDOW. It has been agreed that personnel of the Regional Office, FWS Mountain-Prairie Region, Lakewood, CO will be responsible for preparation of these documents and management of the tenancy of CDOW at RMA NWR.

There will be some minor expenses incurred by RMA NWR to implement this use. These costs are associated with relatively small amounts of staff time necessary to manage the partnership with CDOW on a day-to-day basis. These will involve periodic communications and meetings with CDOW to coordinate activities, schedule occasional refuge use of lab space, arrange for analytical tests of refuge surface water, and discuss issues of mutual interest between the Refuge Manager and CDOW personnel. These costs are anticipated to be minor, less than a few thousand dollars per year and are well within the base operating budget of nearly \$1.1M at RMA NWR.

**Anticipated Impacts of the Use:**

No impacts to the resources of RMA NWR are anticipated to result from this use. The use will take place in the administrative area of the refuge, will occur on a footprint of approximately ½ acre, that currently has no habitat value. The use will have no impact on the Refuge's ability to accomplish its purposes. Reuse of the RMA Lab will mean that the building is not demolished, and there is a loss of potential restoration of about 1 acre of land associated with the building and adjacent parking areas. CDOW may eventually have up to two dozen employees working at the Lab, and there will be some minor increase in administrative vehicular traffic on the refuge. However, the number of employees working here and amount of vehicle traffic will be a small fraction of the traffic the refuge has experienced throughout its history as an environmental remediation site.

The CDOW laboratories currently considered for relocation to RMA NWR are the Fish Health Lab, from Brush, Colorado, and eventually water chemistry labs that are currently located in Denver and Fort Collins, CO. The Fish Health Lab is a pathology lab. It works principally on whirling disease and other diseases of cold water fish. There are no cold water fish resources at RMA NWR. There are non-native warm water recreational fish populations in refuge lakes located approximately ½ mile south of the Lab. The Lab sewer system terminates in a government operated zero-discharge lagoon approximately ½ mile NW of the Lab building. The only native fish populations on the refuge are non-game fish in the First Creek drainage on the east side of the refuge, approximately 2 miles east of the Lab. The Lab is located in the Irondale Gulch drainage and all vehicular access to the Lab from "off-refuge" is through the Irondale Gulch drainage. The potential for CDOW Fish Health Lab and Water Quality Lab operations to impact refuge fish and wildlife populations is considered minimal.

There is concern about future uses of the Lab, by CDOW that might involve work with pathogens of mammals and/or birds. Based on a fairly robust surveillance program, RMA NWR is believed to be free of Chronic Wasting Disease. This compatibility determination includes stipulations that any future CDOW uses that involve diseases of birds or mammals, or involve vehicles operated at the CDOW disease research facility at Fort Collins, CO are subject to additional review and approval by Service line officers and Veterinary Pathologist.

Reuse of the building will prevent the demolition and landfilling of a modern and functional piece of United State property valued at \$15M - \$20M dollars and will provide an important conservation facility to the state wildlife agency at little or no cost.

**Public Review and Comment:**

RMA NWR is maximizing the use of the refuge website to solicit public comment on documents, including Compatibility Determinations. The website has a special section for public comment solicitations and this method has been widely publicized in refuge newsletters, local newspapers and announcements to the various citizen advisory committees that operate in support of the remediation of Rocky Mountain Arsenal. The refuge web site routinely receives over 16,000 "hits" per month and is widely used by the public to obtain information about the refuge. In draft form, this Compatibility Determination was provided for public review and comment at the offices of Rocky Mountain Arsenal NWR, 7200 Quebec Street, Building 121, Commerce City, CO 80022, and on the RMA NWR website at <http://rockymountainarsenal.fws.gov>. This draft compatibility

determination will be posted for public review and comment on the refuge web site by Wednesday, April 5, 2006. Public comments will be accepted through 5:00 p.m. on Friday, April 21, 2006.

**Determination:**

☐ Use is Not Compatible

☒ Use is Compatible

**Stipulations Necessary to Ensure Compatibility:**

1. Any future operating agreements between the Service and CDOW will provide for Service oversight of use of the RMA Lab for any purposes other than fish health and water quality work. Future legal agreements will prohibit CDOW introduction to the refuge of any disease organisms or pathogens of mammals or birds, without prior review and written approval of the Regional Veterinary Pathologist and ARD-National Wildlife Refuge System/Partners for Fish and Wildlife.
2. Any future legal agreements between the Service and CDOW will include provisions that CDOW will provide a small amount of laboratory space for use by refuge biologists to conduct necropsies and prepare specimens for laboratory analysis, at no cost to the Service
3. Any future legal agreements between the Service and CDOW will include provisions that CDOW will provide, at no cost to the Service and mutually agreeable number of water quality analyses from surface waters of RMA NWR. This service will begin at such time as the U.S. Army is no longer required to monitor the quality of surface water at the refuge.
4. Any future legal agreements between the Service and CDOW will prohibit CDOW from bringing vehicles onto RMA NWR that have driven on the CDOW Chronic Wasting Disease research facility in Fort Collins, CO – unless they have been first decontaminated using a method approved by the Service's Regional Veterinary Pathologist and that official provides the Refuge Manager with his concurrence.

**Justification:**

In the Rocky Mountain Arsenal NWR Act of 1992 (P.L. 102-402), Congress established eight (8) statutory purposes for RMA NWR. Conserving species listed as threatened or endangered under the Endangered Species Act and species that are candidates for such listing; providing opportunities for compatible scientific research; and protecting and enhancing the quality of aquatic habitat within the Refuge are three of those statutory refuge purposes. The proposed use will facilitate achievement of those three purposes.

Since the proposed use will further refuge establishment purposes, this Compatibility Determination is necessary only to ensure that these uses are compatible with higher priority wildlife and habitat purposes established by Congress, and the mission of the NWRs. No additional justification for this use is necessary or appropriate.

**Signature:**            **Refuge Manager** \_\_\_\_\_  
(Signature and Date)

**Review:**            **Refuge Supervisor** \_\_\_\_\_  
(Signature and Date)

**Concurrence:**       **Regional Chief** \_\_\_\_\_  
(Signature and Date)

**Mandatory 10 year Re-evaluation Date:**   April, 2016